Previous references.

157 of 02-03

Ex File No. ~~12-07~~

1909

(S. R.)

Serial Nos. 1–4

Later references.

S.R. 99-10-851-2

GENERAL AND REVENUE SECRETARIAT.

R. 157 of 02-03

Serial Nos. 1–4

May '08 ~~Part R.~~ for January 1910

SUBJECT.

Re, the claim to the Toddy Revenue of Jodi Jagali village, Nanjingood Talq.

1. From the Excise Comr. No. 4633/266 D 5/13/2/03. Submits the report of enquiry and states that the Inamdar is entitled to toddy only to the extent of leasing out the date trees to exst. contractors.
2. To the Excise Comr. No. R. 36 A. 24/7/09. Returns the record with the observation that each opportunity should be given to the Inamdars to establish their right as the present claimant is only the mortgagee of the village.
3. From the Excise Comr. No. 3230 A 6/10/09. Resubmits the records with ~~views~~ Certain remarks on the opinion of the ~~D. R. S. 36~~ investigating Officer & the Dy Comr.
4. To the Excise Comr. & Comptroller. No. R. 3264-5 A 10/12/09. States that the right has not been established & directs that the amount advanced to the Inamdar should

W/ 1/27/12

G.R.S. 11] S. R 1597/1902-03

190

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

File No. 2 of

FILE HEADING.

Claim to the lands reserved for Pyapali village, Nandgaon Taluk

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Copy

Notes—First sheet

GPB—30,000—3-4-07.

Serial No.

The village has a toddy shop and no date grove

No samud is produced to show that toddy thence revenue was alienated by persons authority.

The item of revenue was not al- is entered included in the leasing of the village and the Inam settlement Conducted in 1879-80 is not clear because the Inam deeds recorded that Sendi was an item enjoyed and the Inam Supdt directed that "toddy is "allowed as far as the leasing of "trees to Govt. Contractor" The investigating officer and the Dy Comr understand the

Note—Contn. sheet.

GPB—55,0.0—27-4.0v

order of the Nazim Subah to allow the 10th cesse reference to the Nawabs but that he can realise it himself the Govt. Contracts. It might have been noticed that in many of the cases (in almost all the cases) where the claim is allowed such a reference did not appear in the Nazim Settlements. The rule in force in 1873-80 regarding the cesse or abkari revenue was the Chief Comm's order of 8th Oct. 1873. Applying strictly this order the Nazim Subah's order in this case can only be taken as not to allow the claim to the 10th cesse revenue as it has not been expressly alienated by proper authority.

Next remarks to be considered whether the case can be given a special treatment under rule 20. This can be done only if there is uninterrupted enjoyment

GPB—55,000—27-4-05

G. R. S. 12]
General and Revenue
Secretariat.

Ex SR 157 of 1902 — (4

File No. 12 of 1901

Serial No.

for 50 years previous to 1892-93
i.e. from 1842-43. It is evident
from the records & from the
Excise Comr's report that there
is no proof of such enjoyment.
In the above circumstances
the right has not been established
and with a view for effluxion
of time
Excise
10/12/09
mk
10/12.

No reliance can be placed on the so-called so called
inscription refd to in the Investigating
Officer's report. The Enam Settlement
restricts the right granted by terms
which are not usually found in other
cases. What exactly the Govt meant to
convey by the use of these restrictive
words we can only surmise.
Shop village.
There is a village in the shop
but for ten years (from 1880 to 1890)
there is no proof of enjoyment.
The claim case is not therefore free from
doubt, and consequently has to be rejected.

Draft for orders
25/12/09

Note—Contn. sheet.

GPB—55,0.M—27-4-09

G. R. S. 12]
General and Revenue
Secretariat.

SR File No. 15?/2 of 190?

5

Serial No.

559
3-1-10

The Investigating Officer & the Dy Comm have read a meaning into the word) used at the Inam settlement which they do not bear. They have recommended that the claim be recognized & allowed only to the present holder. The Sessions Court has not given any definite opinion in the case.

Draft approved MM
1/1/10

4

In the Court of
[illegible]
[illegible] 4/1/10
State that he might have an
established a direct that the amount
[illegible]

2nd

NOTE.—Contn. sheet.

GPB—55,0 M—27-4-0v

No. 4633/266 Encl file

Excise Commissioner's office
Bangalore dated 5th/13th February
1903.

From

The Excise Commissioner
in Mysore

To

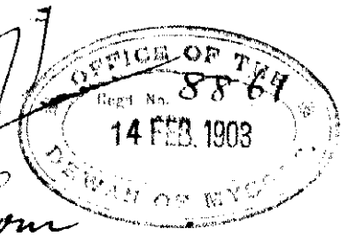
The Secretary to the Government of
H. H. the Maharaja of Mysore,
General and Revenue Departments.

Sir,

In submitting herewith the record of enquiry relating to the Jodi of Revenue of godi Iggali village in the Kanjigod Taluk, received from the Deputy Commissioner, Mysore District, with his No. 93, dated 22nd/26th January, 1903, I have the honor to state that I concur in the investigating officer's opinion, that the Inamdar is entitled to the item of Toddy only as far as the leasing of the trees to the Government Contractor, as recorded in the Inam Settlement Register. The advance of money which has been made

on

Ex 27



From

The Excise Commr.
in Mysore

To Secretary

The Secretary to the Govt
of H.H. the Maharaja of
Mysore, General and Revenue
Departments.

Dated 5th/13th February, 1903.

No 4633/266 Excise file

Subject

Submits the record of
enquiry relating to the Toddy
Revenue of Godi Iggali village
in the Nanjangud Taluk,
received from the Deputy
Commissioner, Mysore District
with his No. 93, dated 22nd/26th
January 1903.

Excise
1902

on account of shop rent should be recovered from the Inamdar.

I have the honor to be
sir,
your most obedient servant
[illegible]
For Revenue Commissioner
in Mysore

Office Draft. (Docket.)

~~Mysore Dewan's Office,~~
Cash Branch.

To Special No 2
The Executive Engineer
in Mysore

Date of passing the draft
Date of despatch 21/11/03

Regd. No. 36
File No. & date (if any) E47/12-01.

No. of Encls. One file.

In letter no 6633/266 dt 5/8/1903 addl. the Executive Engineer to the Secundrabad Cantonment to the Secretary of the Agrahari village in the Manjeera Talook, Nizamabad Dist.

Also the Executive Engineer to enquire whether a Licence Cancelled to the Pleader on 20th June 902 as noted on the petn or any other, also enquire date

I disagree with the opportunity
of establishing the
claim – if he ~~defaulted~~ failed to appear
the fact should have
been recorded
The Petr seems to be
only a mortgagee
of the Immovables.
The Respondents, ~~who~~ as they
were entitled to
have ~~better~~ a higher stake
~~interests~~, in the Case,
should, also be given an
opportunity of
establishing their
claim

R.C.

18/7/03

13/7/03

12-0,8 (3 9/57 8

No 3230

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE,

Bangalore, dated 6th October 1909.

From

H. H. Sparkes, Esquire,

Excise Commissioner in Mysore.

To

K. S. Chandrasekhara Aiyar, Esq., B.A., B.L.,

Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments.

SIR,

Adverting to your docket No.56/Ex.F.12-01, dated the 21st July 1903, calling for additional information regarding the claim of the Inamdar to the Excise revenue from toddy of Jodi Iggali village in the Nanjangud Taluk of the Mysore District, I have the honor to submit herewith the records of enquiry together with the Deputy Commissioner's Official Memorandum No.275,

2. The Inam appears to be a very old one. From the unauthen-ticated copy of the ~~inspection~~ orig. said to be on a stone in the village, it would appear that the village of Iggali was apportioned into 30 vrittiee and given over to Brahmins by Harihara Maharaya in the year 1305 of Salivahana sakha corresponding to the English year 1383-84. As might be expected in old Sannads there is no reference to toddy in this deed of gift. The tenure appears to have been subsequently - - changed into jodi but the nirup relating to this alteration is not produced. Nor does any such document appear to have been produced

at

B 1578

512

19 .

Ex. 712-0

From

H. E. Sparkes, Esquire,
Excise Commissioner in Mysore.

To

K.S.Chandrasekhara Aiyar, Esq., B.A., B. L.,
Secretary to the Government of
H. H. the Maharaja of Mysore,
Genl. and Rev. Depts.

Dated 6th October 1909.

Despatched

Received

General No. 3230

Enclosure No. 3 [illegible]

SUBJECT.

Submitting with records of enquiry certain additional information regard--ing the claim of the Inamdar to the Excise Revenue from toddy of Jodi - - - Iggali village in the Nanjangud Taluk of the Mysore District.

GPB--2,000--81-7-08

/3

at the time of settlement of the village. As per takeed of Probhava, the beriz of the village is P. F. V 169-9-11. Adding the jasthi Kuttuvali of P F V 8-1-2 from Vibhava to Projathpathi the total beriz comes to - - P F V P F V 178-0-13, of which 162-8-13 are the Iyen Beriz and 15-2-0 are the income from Bajebab. The particulars for this bajebab are as - - - follows:-

	P F V
Sayer.	11-9-8
Lalsooth.	3-0-8
Dhobi.	0-2-0
	15-2-0

It will thus be seen that in the above beriz account no revenue from toddy is included.

3. At the Inam Settlement of the village conducted in the - - years 1879-80 the Inam Assistant has recorded in para 5 of column 19 of the Inam Register of Enquiry that "Sayer and Sendi are enjoyed and forests including sandal not which are reserved". In para 2 of column 20 the Inam Superintendent has recorded that "the item of - - toddy is allowed as far as the leasing of the trees to the Government contractor". The Inam Title-Deed is not produced.

4. The village contains a toddy shop but no date grove. In proof of enjoyment of the toddy Excise there is the Kuttuvali Takktha dated 10-11-1880 showing realizations of the village for the 10 years from Rudhirodghari (1863-64) to the end of Angirasa (1873-74) . In this

this account there is an entry relating to the revenue from Sendi. Next there is the agreement dated 23-5-1876 executed by Messrs Brown Ruchmal agreeing to pay at R.3-14-1 per mensem on account of the - - "Sendi dukan bekri etc." of the village from 1-4-1876 to 31-3-1880. Thirdly there is the yadi No.106 dated 27-3-1880 written by Messrs F. W. Smith and Co., to agent Varadan Bhatta asking him to produce the agreements executed by previous contractors and receive the toddy revenue of the Inam village. Lastly there is the Mutchalika dated 26-9-1890 executed by Chikmuddappa agreeing to pay R.2-13-6 per men--sem from 1-4-1890 to 31-3-1892. Although there is no complete - - proof of uninterrupted enjoyment of the revenue from the year - - - 1863-64, it is nothing but fair to presume that the Inamdar was in the enjoyment of the toddy Excise of the village from 1863-64 to - - 1891-92 when the toddy administration was taken up by Government.

5. If in accordance with the views of the investigating office the decision of the Inam Superintendent is construed as specifying only the agency through which the Inamdar can exercise his right, but not as limiting the right itself, there is a complete case made out in asmuchas there has been enjoyment of the revenue for more than twelve years preceding the year 1892-93. On the other hand if the Inam Settlement is interpreted as having reserved the toddy Excise to Government and as having recognised the right of the Inamdar to rec--rent only, then the cases falls under Rule 20 of the rules of the

2nd

2nd August 1901, as no sannad is forthcoming. In this case the - - Inamdar has to produce proof of uninterrupted enjoyment for a period of not less than fifty years preceding the year 1892-93 and this he has failed to do, the earliest year of enjoyment being only 1863-64. I am not aware how the case can be brought both under rule 19 and 20 and the principle laid down in the Chief Commissioner's Proceedings No.3697, dated the 8th October 1873 applied. If the Inam Settlement concedes the right and there has been enjoyment within the 12 years - - - preceding the year 1892-93, the claim has to be allowed in full. If there are no sannads or recognition by the Inam Department but there has been an uninterrupted enjoyment for a period of not less than fifty years preceding the year 1892-93, the principle laid down in the Chief Commissioner's orders may be applied. But if there has been recognition at the Inam Settlement and proof of enjoyment for a period of more than 12 years preceding the year 1892-93, it is not known how the principle of the Chief Commissioner's orders can be - - applied or enjoyment limited to the present holder.

I have the honor to be,

Sir,

Your most obedient servant,

for Excise Commissioner.

Nanjangud

Bilagere

Iggli

1 Name of Taluk

2 Name of Hobli

3 Name of Inam Village

4 Names of Inamdars

1 Mr. D. Krishna Rao (mortgagee)
2 Linga Bhatta, Magavu, Nanjangud
3 Sivaram Bhatta do — do —
4 Varadam Bhatta do — do —
5 Srikanta Jois do — do —
6 Sowthamma, Magavu, Nanjangud
7 Srikantayya
8 Sivaramayya
9 Ranga Bhatta.

5 Documents relied on

1 Inam Register of Enquiry Sheet No. 76.
2. "Huttuvali Pakkta" dated 10.11.1880 showing realisations of the Village for the 10 years from Rudhirodgari (1863-64) to the end of Angirasa (1873-74)
3 Muchalika dated 23.5.1876 executed by Abkari Contractors Brown & Buchanan agreeing to pay @ Rs 3.14.1. per mensem on account of the "Sendi Dukkan bikri" of the Village from 1.4.1876 to 31.3.1880.
4. Yadi No. 106 dated 27.3.1880 written by the Government Abkari Contractor F. W. Smith & Co., to Agent Varadam Bhatta
5 Muchalika dated 26.9.1890 executed by Chikmuddappa agreeing to pay Rs 2.13.6 per mensem from 1.4.1890 to 31.3.1892.
6 Statement dated 11.9.1903 of Mr. Krishna Rao taken before the Chamarajnagar Special Sub Divisional Officer.
7. Statement of Mr. Krishna Rao before the District Excise Officer on 28.8.09 and 13.9.09.

6 Witness examined

Mr. D. Krishna Rao.

Case reported for treatment under rule 19 of August 1901 and recommended for consideration under the principle laid down in the Chief Commissioner's Proceedings No. 3697 dated the 8th October 1873.

Finding

As per Registers of Advances maintained in this office a sum of Rs 541- has been advanced on account of the toddy revenue of this Village in previous years.

8 Amount of advance paid to the Inamdars

(Circular for claim to the Excise revenue from toddy sugar

ordered by the District Excise [redacted], Mangalore District.

1897 1902

Enclosure 1/13

Grounds of decision.

9

The village of Aggli seems to have been apportioned into 30 shittis and owned from time out of mind by a number of Brahmans under terms of a "Sannad" inscribed on a stone in the village. No authenticated copy is produced of this inscription which is said to be undecipherable. The grant of the village has however been recognised as valid by the Inam Settlement of 1879 and suffered to continue on jodi tenure. The individuals numbered 2 to 9 in Column 4 are set up to represent the present jodidars of the village and the party mentioned first is the mortgagee now in possession of its usufructs. Notices calling upon all these persons to appear before the Investigating Officer with proofs of their right and title to the Excise revenue from toddy of the village were served upon them individually, but none responded to the call except the mortgagee mentioned above who was, therefore, the only witness examined in the case.

The terms of original alienation in reference to the rights alienated being unknown in consequence of the obscurity in which the deed of gift itself seems to be involved, the

G.R.S. 28]

File No. 12 57
Serial No. 4

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 190

Date of issue 16-1-1910

Signed by W Ktrinivasaiah

READ— Correspondence
regarding the letter No
3230 & 1/10/09 from the
Asst Commr in Mysore
submitting the record
of enquiry relating to the
dispute to the holding of
revenue of Jodi Lingale village
Nanjangud Taluk.

ORDER THEREON.—Nos

Order thereon No RB2204-5
of 10 January 1910

No Samaj or other
document was produced
herein

over

Subject

GPB—10,000—10-4-06

The above claim for a right of way was submitted to the Board under rule 20 of the rules of 2nd Aug '01.

The Board has carefully considered the evidence adduced by the claimant in support of his claim and the documents and plans furnished by the Inam Commissioner and by the Deputy Collector of Kaira.

The claim is for a right of way for carts and pedestrians from the village of Kanjari to the village of Vasna Chakla in Kaira District.

The claim is based on uninterrupted enjoyment of the right for a period of 30 years and upwards.

The Inam Settlement Officer in his report dated 1879-80 has recorded that the claim is not established.

The Deputy Collector of Kaira has recommended that the claim be admitted.

The Collector of Kaira has also recommended that the claim be admitted.

The Commissioner in Sind has also recommended that the claim be admitted.

The Board is of opinion that the claim is not established.

The Board is of opinion that the claim is not established.

The Board is of opinion that the claim is not established